

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS H. DeARMOND  
11463 BROADACRES ROAD NE  
HUBBARD, OREGON 97032

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: G-12423

PERMIT NUMBER: G-12536

SOURCE OF WATER: TWO WELLS IN THE SENEAL CREEK BASIN

**SUPERSEDED BY**  
CERT. NO. 92054  
T-10535

PURPOSE OR USE: IRRIGATION OF 103.55 ACRES

MAXIMUM RATE ALLOWED: NOT TO EXCEED 1.29 CUBIC FOOT PER SECOND (CFS) IN ANY COMBINATION, BEING 0.45 CFS FROM WELL #1 AND 1.09 CFS FROM WELL #2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 20, 1991 FOR 1.11 CFS AND SEPTEMBER 2, 1992 FOR 0.18 CFS

G-12423.RA

Certificate Number 83086

T-10535 v. 77 p. 219

## THE WELLS ARE LOCATED AS FOLLOWS:

WELL 1: NE 1/4 NE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 607 FEET NORTH AND 812 FEET WEST FROM THE SE CORNER, DLC 59.

WELL 2: SE 1/4 SE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 1000 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30.

## THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4            2.3 ACRES  
 NW 1/4 SW 1/4           23.1 ACRES  
 SW 1/4 SW 1/4           6.9 ACRES  
 ALL AS PROJECTED WITHIN LARRISON DLC 58  
 SECTION 29

LOT 3 (SW 1/4 SW 1/4) 11.6 ACRES  
 SECTION 29

NW 1/4 SW 1/4           0.3 ACRE  
 SW 1/4 SW 1/4           1.5 ACRES  
 BOTH AS PROJECTED WITHIN DLC 59  
 SECTION 29

NE 1/4 SE 1/4           1.4 ACRES  
 AS PROJECTED WITHIN LARRISON DLC 58  
 SECTION 30

NE 1/4 SE 1/4           4.0 ACRES  
 SW 1/4 SE 1/4           4.6 ACRES  
 SE 1/4 SE 1/4           35.5 ACRES  
 ALL AS PROJECTED WITHIN DLC 59  
 SECTION 30

NW 1/4 NE 1/4          10.65 ACRES  
 AS PROJECTED WITHIN DLC 59  
 SECTION 31

LOT 2 (NW 1/4 NW 1/4)    1.7 ACRES  
 SECTION 32  
 TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to submit annual static water level reports. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurements to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The Water Resources Department has determined that the initial water level in Well # 1 is 24.0 feet below ground surface and in Well # 2 is 20.0 feet below ground surface. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.


The Director may require water level or pump test results every ten years.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate is issued to correct an error by the Department in the issuance of the previous Certificate and supersedes Certificate 82928.

Issued JAN 18 2007.

  
Phillip C. Ward, Director  
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83086.

G-12423.RA